

EXHIBIT 4

BLOOD HURST & O' REARDON, LLP

WESTERN WASHINGTON LAW
GROUP PLLC
DENNIS J. MCGLOTHIN (#28177)
ROBERT J. CADRANELL (41773)
P.O. Box 468
Snohomish, WA 98291
Tel: 425/728-7296, ext. 4
dennis@westwalaw.com
robert@westwalaw.com
docs@westwalaw.com

BYRNES KELLER CROMWELL
LLP
RALPH E. CROMWELL, JR. (11784)
1000 2nd Avenue, 38th Floor
Seattle, WA 98105
Tel: 206/622-2000
rcromwell@byrneskeller.com

Attorneys for Defendants

BLOOD HURST & O'REARDON, LLP
TIMOTHY G. BLOOD (*pro hac vice*)
THOMAS J. O'REARDON II
(*pro hac vice*)
PAULA R. BROWN (254142)
501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com
toreardon@bholaw.com
pbrown@bholaw.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ERIC BLOMQUIST, individually
and on behalf of all others similarly
situated, and JUN DAM,
individually,

Plaintiffs,

v.

PERKINS COIE, LLP, a Washington
limited liability partnership;
PERKINS COIE CALIFORNIA,
P.C., a California corporation;
PERKINS COIE U.S., P.C.; and
LOWELL NESS, individually,

Defendants.

Case No: 2:20-cv-00464-SAB

CLASS ACTION

**JOINT REQUEST FOR STATUS
CONFERENCE**

Chief Judge Stanley A. Bastian

Complaint Filed: December 16, 2020
Trial Date: Not Yet Set

JURY TRIAL DEMANDED

Exhibit 4

1 Plaintiff Eric Blomquist and Defendants (“Perkins Coie”) request that the
2 Court set a status conference at its earliest convenience to discuss approval of the
3 parties’ proposed class action settlement.

4 Attached to this Joint Request are the (i) proposed class action settlement
5 executed by the parties, (ii) the motion for preliminary approval and supporting
6 declarations, and (iii) plaintiff’s first amended complaint and Rule 15 stipulation
7 regarding same.

8 The class settlement is one of two settlements involving Perkins Coie. The
9 other settlement is between Perkins Coie and Mark D. Waldron, in his capacity
10 as Trustee in the bankruptcy case *In re Gigawatt, Inc.*, No. 18-03197. (“Trustee
11 settlement”). The class and Trustee settlements are separate however, each is
12 conditioned upon the successful approval of the other. The class settlement
13 addresses harm to Giga Watt token purchasers (class members) allegedly caused
14 by Perkins Coie’s premature release from escrow of token purchaser funds. The
15 Trustee settlement addresses alleged harm to the Giga Watt, Inc. estate caused by
16 Perkins Coie’s release of the class member’s funds.

17 The class settlement must be approved by this Court. The Trustee will seek
18 approval of his settlement in the bankruptcy court. The Trustee has filed his
19 settlement agreement in the bankruptcy court. A hearing on the Trustee
20 settlement is scheduled for October 3, 2023.

21 The parties here are eager to start the settlement approval process with this
22 Court. However, they are struggling with some procedural and jurisdictional
23 issues. Although not a party to the class settlement, the Trustee has stated it will
24 object if his view of the procedures for permitting this Court to consider approval
25 of the class action settlement are not followed. The parties here believe those
26 procedures are unnecessary and time-consuming but wish to avoid yet more

1 unnecessary litigation so the class members can receive their settlement
2 payments.

3 Briefly, the bankruptcy court issued orders staying/enjoining this class
4 action *until the adversary proceeding between the Trustee and Perkins Coie is*
5 *resolved*. Those orders are on appeal in this Court. The appeal is currently stayed.
6 It is unclear whether the bankruptcy court orders staying/enjoining the class case
7 must be modified for this Court to consider the class settlement, and if so, an
8 appropriate procedure.

9 The Trustee asserts that this Court cannot consider the class settlement
10 until the bankruptcy court modifies the stay/preliminary injunction. And that the
11 bankruptcy court lacks jurisdiction to modify its stay/injunction orders given the
12 pending appeal.

13 Plaintiff and Perkins Coie believe that once the Trustee settlement is
14 approved by the bankruptcy court (hearing on October 3, 2023), the Trustee-
15 Perkins adversary proceeding is de facto resolved, hence terminating or mooted
16 the bankruptcy court's stay/injunction of the class case.

17 However, if the stay/injunction must be modified by the bankruptcy court
18 for this Court to consider the class settlement, it is unclear whether the
19 bankruptcy court has jurisdiction to do so. Ordinarily, appeal divests the
20 bankruptcy court of jurisdiction to alter its orders absent remand from the court
21 of appeal. However, the basis of this rule is to permit the appellate court to
22 review orders as issued, without modification by the issuing court that could
23 nullify or change the issues on appeal. *See e.g., Griggs v. Provident Consumer*
24 *Disc. Co.*, 459 U.S. 56 (1982). Here, these concerns are not at issue because the
25 class and Trustee settlements are clear that all parties are restored to their former
26 positions (including the appeal) if both settlements are not approved.

1 Plaintiff and Perkins Coie will make themselves available for a status
2 conference at the Court's convenience.

3
4 Respectfully submitted,

5 Dated: September 13, 2023

WESTERN WASHINGTON LAW
GROUP PLLC
DENNIS J. MCGLOTHIN (28177)
ROBERT J. CADRANELL (41773)

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7
8 By: *s/ Dennis J. McGlothlin*

DENNIS J. MCGLOTHIN

9 P.O. Box 468
Snohomish, WA 98291
Tel: 425/728-7296, ext. 4
dennis@westwalaw.com
robert@westwalaw.com
docs@westwalaw.com

10
11
12 BLOOD HURST & O'REARDON, LLP
TIMOTHY G. BLOOD (*pro hac vice*)
THOMAS J. O'REARDON II
(*pro hac vice*)

13 PAULA R. BROWN
501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com
toreardon@bholaw.com
pbrown@bholaw.com

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15
16
17 *Attorneys for Plaintiffs*

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19
20 Dated: September 13, 2023

BYRNES KELLER CROMWELL LLP
RALPH E. CROMWELL, JR. (11784)

21
22 By: *s/ Ralph E. Cromwell, Jr.*

RALPH E. CROMWELL, JR.

23 1000 2nd Avenue, 38th Floor
24 Seattle, WA 98105
25 Tel: 206/622-2000
rcromwell@byrneskeller.com

26 MUNDING, P.S.
John D. Munding

JOINT REQUEST FOR STATUS CONFERENCE - 3

Exhibit 4

Western Washington Law Group PLLC

P.O. Box 468, Snohomish, WA 98291

(425) 728-7296, ext. 4

00206538

309 E. Farwell Rd., Ste. 310
Spokane, WA 99218-1152
Tel: 509/624-6464
john@mundinglaw.com

*Attorneys for Defendants PERKINS
COIE, LLP,; PERKINS COIE
CALIFORNIA, P.C.,; PERKINS COIE
U.S., P.C.; and LOWELL NESS*

ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to this document.

Dated: September 13, 2023

By: s/ Dennis J. McGlothlin
DENNIS J. MCGLOTHIN

BLOOD HURST & O' REARDON, LLP

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 13, 2023, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF System, which will in
4 turn automatically generate a Notice of Electronic Filing (NEF) to all parties in
5 the case who are registered users of the CM/ECF System. The NEF for the
6 foregoing specifically identifies recipients of electronic notice.

7 Executed on September 13, 2023.

8 *s/ Dennis McGlothlin*

9 DENNIS J. MCGLOTHIN

BLOOD HURST & O' REARDON, LLP

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